

# **GOVERNMENT CONTRACT REVIEW COMMITTEE**

## **Committee Minutes**

**November 13, 2003**

The 5th meeting of the Government Contract Review Committee was held on Thursday, November 13, 2003, at 10:00 AM, in Room 125 of the Capitol Annex. Senator Jack Westwood, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jack Westwood, Co-Chair; Representative Brent Yonts, Co-Chair; Senators Ernesto Scorsone and Gary Tapp; Representatives Jesse Crenshaw and Kathy Stein.

Guests: Fran Pinkston, Don Jeffers, Jim Abbott, Denise Hume, Nora McCormick, Viola Miller.

LRC Staff: Michael L. Meeks, Kim Eisner; Joseph Hood, Stephanie Kirtley, Craig Maffet, Garnett Thurman, Lisa Whittaker, and Jennifer Wilson.

A motion was made by Representative Yonts to approve the Minutes of the October 14, 2003 meeting of the committee. Representative Stein seconded the motion, which passed unanimously.

A motion was made by Representative Yonts to consider as reviewed, the Routine Contracts List with exception of those contracts selected for further review by members of the committee. Representative Stein seconded the motion, which passed without objection.

A motion was made by Representative Yonts to consider as reviewed, the Routine Amendment List with exception of those agreements selected for further review by members of the committee. Representative Stein seconded the motion, which passed without objection.

A motion was made by Representative Yonts to consider as reviewed, the MARS Personal Service Contracts List with exception of those contracts selected for further review by members of the committee. Representative Stein seconded the motion, which passed without objection.

A motion was made by Representative Yonts to consider as reviewed, the MARS Personal Service Contract Amendment List with exception of those amendments selected for further review by members of the committee. Representative Stein seconded the motion, which passed without objection.

A motion was made by Representative Yonts to consider as reviewed, the MARS Memoranda of Agreement List with exception of those agreements selected for further review by

members of the committee. Representative Stein seconded the motion, which passed without objection.

A motion was made by Representative Yonts to consider as reviewed, the MARS Memoranda of Agreement Amendment List with exception of those amendments selected for further review by members of the committee. Representative Stein seconded the motion, which passed without objection.

A motion was made by Representative Yonts to consider as reviewed, the Additions List. Representative Stein seconded the motion, which passed without objection.

A motion was made by Representative Yonts to consider as reviewed, the Corrections List. Representative Stein seconded the motion, which passed without objection.

THE FOLLOWING ROUTINE CONTRACTS  
WERE CONSIDERED AS REVIEWED WITHOUT OBJECTION:

EASTERN KENTUCKY UNIVERSITY:

Ergonauts, Performance Technologist, LLC, 04-053; Mark Gumbert, 04-051; RuffaloCODY, 04-057.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM:

New Age Technologies, 219; Accent Training, 217.

KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION:

Business Information Technology Systems Incorporated, 03-019.

LEGISLATIVE RESEARCH COMMISSION:

Mark Overstreet, Stites and Harbison, PLLC, 03/04-16.

UNIVERSITY OF KENTUCKY:

Susan O. Wood, K04-127; BSA Life Structures, A041050; Piper Rudnick, K04-126.

THE FOLLOWING ROUTINE AMENDMENTS  
WERE CONSIDERED AS REVIEWED WITHOUT OBJECTION:

UNIVERSITY OF KENTUCKY:

Deloitte and Touche LLP, K04-101; Ennis Knupp and Associates, K04-111.

UNIVERSITY OF LOUISVILLE:

CMTA Incorporated, 03-2; Omni Architects, 02-75; Arrasmith Judd Rapp Incorporated, 00-25.

THE FOLLOWING MARS PERSONAL SERVICE CONTRACTS  
WERE CONSIDERED AS REVIEWED WITHOUT OBJECTION:

ADMINISTRATIVE OFFICE OF THE COURTS:

National Center for State Courts, M-03364750.

AGRICULTURE, DEPARTMENT OF:

Vision Training and Development, C-03355182.

ARCHITECT, BOARD OF EXAMINERS & REGISTRATION OF:

Bortner, Robert W., C-03242330.

EDUCATION, DEPARTMENT OF:

Collaborative for Teaching and Learning, C-03326088; Couch, Stephen, C-03347728; Chapman, Janet E., C-03357830; Lester, Connie S., C-03361335; Taylor, Veronica, C-03361389.

EDUCATIONAL TELEVISION, KENTUCKY:

Shaw, Steven G., C-03294572.

FAMILIES & CHILDREN, CABINET FOR:

Experian, C-03232093; Policy Studies Incorporated, C-03283231; Paternity Testing Corporation, C-03367461; Family Enrichment Center Incorporated, C-03386832.

FINANCE AND ADMINISTRATION CABINET - DIVISION OF ENGINEERING:

Patrick D. Murphy Company Incorporated, C-03385641; Paladin Incorporated, C-03385642; GRW Engineers Incorporated, M-03395882; American Engineers Incorporated, M-03396010; Kerr Greulich Engineers Incorporated, M-03396127; HRG, PLLC, M-03396258; Chase Environmental Group, M-03396284; John Phelps Engineering Incorporated, M-03396296; CMW Incorporated, M-03396396; James E. Forst and Associates Incorporated, M-03396462; T Dade Luckett and Associates, M-03396760; Lee, Jeffrey L., M-03396772; FMSM Engineers, C-03400494.

LIBRARIES & ARCHIVES, DEPARTMENT FOR:

Endeavor Information Systems, M-03298767.

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT FOR:

Kentucky Alliance Boys and Girls, C-03335754.

PSYCHOLOGY, BOARD OF:

McGinty, Patricia G., C-03352335.

POST SECONDARY EDUCATION, COUNCIL ON:

Thomas Warren and Associates, C-03366581; Academy for Educational Development, C-03389660.

TRANSPORTATION CABINET:

Desert Snow, C-03250870; Lochner, H. W. Consulting Incorporated, C-03360183; Moreland Altobelli Associates, C-03360581; HMB Professional Engineers Incorporated, C-03367978; American Consulting Engineers, C-03368444; Forward Edge Associates, M-03225352.

THE FOLLOWING MARS PERSONAL SERVICE CONTRACT AMENDMENTS  
WERE CONSIDERED AS REVIEWED WITHOUT OBJECTION:

CORRECTIONS, DEPARTMENT OF:

Clark and Associates Physical Rehab, M-02063317-XXX.

FAMILIES & CHILDREN, CABINET FOR:

Homeless and Housing Coalition of Kentucky, C-03190482-XXX.

FINANCE AND ADMINISTRATION CABINET - DIVISION OF ENGINEERING:

Clotfelter Samokar, C-00295754-XXX; Godsey Associates Architects Incorporated, C-00323518-XXX; Taylor Whitney Architects Incorporated, C-01159094-XXX; Barnette Bagley Architects, C-02127756-XXX; Johnson Romanowitz Architects, C-02210939-XXX; Sherman Carter Barnhart, C-99002931-XXX; Godsey Associates Architects Incorporated, C-99003622-XXX; Clotfelter Samokar, C-99004011-XXX; Omni Architects, C-99008025-XXX; Johnson Romanowitz Architects, C-99162735-XXX; Sherman Carter Barnhart, M-03014307-XXX; Tate Hill Jacobs Architect Incorporated, M-03014321-XXX; Air Source Technology Incorporated, M-03044438-XXX; ARC Envirochem, LLC, M-03044447-XXX; Adams Frazier Anderson Incorporated, M-03053255-XXX; Biagi Chance Cummins London Titzer Incorporated, M-03053259-XXX; CMTA Incorporated, M-03053266-XXX; Commonwealth Associates Incorporated, M-03053270-XXX; Kaiser Taulbee Associates Incorporated, M-03061494-XXX; Staggs and Fisher Consulting Engineers Incorporated, M-03061746-XXX; Taylor Consulting Engineers, M-03061748-XXX; Vaughn and Melton, M-03062563-XXX; Buell Fryer McReynolds Incorporated, M-03063739-XXX; Senler Campbell and Associates, M-03063795-XXX; L. E. Gregg Associates Incorporated and Gregg Laboratories Incorporated, M-03063863-XXX.

GOVERNOR'S OFFICE FOR TECHNOLOGY:

Space Imaging Incorporated, C-02265328-XXX.

HEALTH SERVICES, CABINET FOR:

Parent Information Network of Kentucky Incorporated, M-02032734-XXX.

PUBLIC HEALTH, DEPARTMENT FOR:

Volunteers of America of Kentucky Incorporated, M-02110580-XXX; ASTPHLD, M-02193488-XXX.

TRANSPORTATION CABINET:

Lochmueller, Bernardin, C-00174851-XXX; Lochner, H. W. Consulting Incorporated, C-00237868-XXX; Vaughn and Melton, C-01055751-XXX; Parsons Brinckenhoff Quade and Douglas Incorporated, C-01061016-XXX; Parsons Brinckerhoff Quade and Douglas

Incorporated, C-03192375-XXX; Vaughn and Melton, C-03244554-XXX; Palmer Engineering Company, C-99005636-XXX; Vaughn and Melton, C-99026404-XXX; Woolpert, LLP, C-99070312-XXX; Northrop Grumman Space and Mission Systems, C-99128073-XXX; Weber and Rose, M-02134378-XXX; Kilgore, Lanna M., M-02158768-XXX; Fox, Wood, Wood & Estill, M-02158787-XXX; Smith and Hellman, M-02159166-XXX.

THE FOLLOWING MARS MEMORANDA OF AGREEMENT  
WERE CONSIDERED AS REVIEWED WITHOUT OBJECTION:

ADULT EDUCATION & LITERACY, DEPARTMENT FOR:

Elizabethtown Community College, M-03302674.

ATTORNEY GENERAL, OFFICE OF THE:

Kentucky Association of Sexual Assault Programs, M-03340930.

EDUCATION, DEPARTMENT OF:

Treasurer Franklin County Board of Education, M-03333395; Treasurer Providence Independent Board of Education, M-03333399; Treasurer Jefferson County Board of Education, M-03353291.

FAMILIES & CHILDREN, CABINET FOR:

Cabinet for Workforce Development, M-03187925; Fayette County Urban Government, M-03219639; Office of Inspector General, M-03340428.

LOCAL GOVERNMENT, DEPARTMENT FOR:

Scott County Fiscal Court, M-03353875; Kentucky Community and Technical College System, M-03358765; City of Jeffersontown, M-03362034; City of Jenkins, M-03364165; City of Jenkins, M-03364191; Harlan County Fiscal Court, M-03365302; Montgomery County Fiscal Court, M-03367331; Pike County Treasurer, M-03372180; Lexington Fayette Urban County Government, M-03381504; Pike County Treasurer, M-03385733; Eastern Kentucky Expo Convention Center, M-03402122; Rockcastle County Fiscal Court, M-03408550; Pike County Treasurer, M-03410387.

MEDICAID SERVICES, DEPARTMENT FOR:

Cabinet for Families and Children Medicaid, M-03189116.

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT FOR:

T J Samson Community Hospital, M-03330873.

MILITARY AFFAIRS, DEPARTMENT OF:

Lincoln Trail Area Development District, M-03272372; PD Miscellaneous Payments, M-03276169; Kentucky River Area Development District, M-03330431; PD Miscellaneous Payments, M-03332404; Bluegrass Area Development District, M-03345156; Harlan County Fiscal Court, M-03345279; PD Miscellaneous Payments, M-03376538; PD Miscellaneous Payments, M-03378142.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET:

Kentucky Arborist's Association, M-03329030; Natural Resources Division of Conservation, M-03353066; Natural Resources Division of Conservation, M-03379258.

TRANSPORTATION CABINET:

City of Glasgow, C-03084200; Lexington Fayette Urban Division of Community Development, C-03093411; City of Bardstown, C-03122900; City of Springfield, C-03145413; City of Barbourville, C-03145475; City of Harrodsburg, C-03145884; City of Oak Grove, C-03149656; Mason County Fiscal Court, C-03183281; City of Hopkinsville, C-03205989; City of Augusta, C-03230030.

THE FOLLOWING MARS MEMORANDA OF AGREEMENT AMENDMENTS  
WERE CONSIDERED AS REVIEWED WITHOUT OBJECTION:

ADMINISTRATIVE OFFICE OF THE COURTS:

Bluegrass Regional Mental Health Mental Retardation Board, M-03244797-XXX; Bluegrass Regional Mental Health Mental Retardation Board, M-03289868-XXX.

EDUCATION, DEPARTMENT OF:

Ashland Independent Board of Education, M-03104566-XXX; Treasurer Shelby County Board of Education, M-03156325-XXX; PD Miscellaneous Payments, M-03184769-XXX; Eastern Kentucky University, M-03204545-XXX; Fayette County Treasurer Board of Education, M-03291586-XXX; Fayette County Treasurer Board of Education, M-03297777-XXX.

FAMILIES & CHILDREN, CABINET FOR:

Green River Area Development District, M-03190469-XXX; Barren County Board of Education, M-03190472-XXX; Bluegrass Regional Mental Health Mental Retardation, M-03223084-XXX.

FISH & WILDLIFE, DEPARTMENT OF:

Holmes Bend Boat Dock, M-02173194-XXX; Pandora Marina, M-02174192-XXX.

HEALTH SERVICES, CABINET FOR:

Bluegrass Area Development District, M-03116958-XXX; Big Sandy Area Development District, M-03117858-XXX; Pennyriple Area Development District, M-03117995-XXX; Licking Valley Community Action Agency, M-03119336-XXX; Audubon Area Community Services Incorporated, M-03119394-XXX; Kentucky River Area Development District, M-03119013-XXX; Seven Counties Services, M-03110728-XXX.

JUVENILE JUSTICE, DEPARTMENT OF:

Louisville Jefferson County Metro Government, M-03288262-XXX.

KENTUCKY RIVER AUTHORITY:

Jessamine County Fiscal Court, M-02182128-XXX.

LOCAL GOVERNMENT, DEPARTMENT FOR:

Whitley County Fiscal Court, M-02034096-XXX; Letcher County Fiscal Court, M-02050136-XXX; Hickman County Fiscal Court, M-02219472-XXX; Bell County Fiscal Court, M-02375682-XXX; Bell County Fiscal Court, M-02375741-XXX; Bell County Fiscal Court, M-02375777-XXX; Bell County Fiscal Court, M-02376880-XXX; Harlan County Fiscal Court, M-02383528-XXX.

MILITARY AFFAIRS, DEPARTMENT OF:

PD Miscellaneous Payments, M-02107971-XXX; PD Miscellaneous Payments, M-03019411-XXX.

PUBLIC HEALTH, DEPARTMENT FOR:

Estill County Health Department, M-03049721-XXX; Allen County Health Department, M-03074388-XXX; Breckinridge County Health Department, M-03107599-XXX; Anderson County Health Department, M-03107621-XXX; Bourbon County Health Department, M-03107644-XXX; Boyle County Health Department, M-03107654-XXX; Bracken County Health Department, M-03107661-XXX; Breathitt County Health Department, M-03107668-XXX; Bullitt County Health Department, M-03107672-XXX; Christian County Health Department, M-03107700-XXX; Clark County Health Department, M-03107708-XXX; Fleming County Health Department, M-03107723-XXX; Floyd County Health Department, M-03107859-XXX; Franklin County Health Department, M-03107868-XXX; Garrard County Health Department, M-03107877-XXX; Greenup County Health Department, M-03107894-XXX; Hopkins County Health Department, M-03107903-XXX; Louisville Metro Health Department, M-03107918-XXX; Jessamine County Health Department, M-03107925-XXX; Johnson County Health Department, M-03107935-XXX; Knox County Health Department, M-03107954-XXX; Laurel County Health Department, M-03107961-XXX; Lewis County Health Department, M-03107966-XXX; Lincoln County Health Department, M-03108321-XXX; Madison County Health Department, M-03108324-XXX; Magoffin County Health Department, M-03108330-XXX; Marshall County Health Department, M-03108419-XXX; Martin County Health Department, M-03108421-XXX; Mercer County Health Department, M-03108436-XXX; Monroe County Health Department, M-03109652-XXX; Montgomery County Health Department, M-03109688-XXX; Muhlenberg County Health Department, M-03109699-XXX; Oldham County Health Department, M-03109711-XXX; Pike County Health Department, M-03109722-XXX; Powell County Health Department, M-03109732-XXX; Todd County Health Department, M-03109746-XXX; Whitley County Health Department, M-03109753-XXX; Woodford County Health, M-03109766-XXX; Barren River Health Department, M-03109782-XXX; Cumberland Valley District Health Department, M-03109790-XXX; Gateway District Health Department, M-03109805-XXX; Green River District Health Department, M-03109814-XXX; Kentucky River District Health Department, M-03109839-XXX; Lake Cumberland District Health Department, M-03109846-XXX; Lincoln Trail District Health Department, M-03109866-XXX; Little Sandy District Health Department, M-03109871-XXX; North Central District Health Department, M-03109878-XXX; Northern Kentucky District Health Department, M-03109886-XXX; Pennyrite District Health Department, M-03110011-XXX; Purchase District Health Department, M-03110065-XXX; Three Rivers Health District, M-03110070-XXX; WEDCO District Health Department, M-03110103-XXX; Lexington Fayette County Health Department, M-03126630-XXX; Buffalo Trace District Health Department, M-03126649-XXX;

Powell County Health Department, M-03146777-XXX; Allen County Health Department, M-03152041-XXX; Fleming County Health Department, M-03165316-XXX; Ashland Boyd County Health Department, M-03177171-XXX; Anderson County Health Department, M-03178983-XXX; Bourbon County Health Department, M-03178989-XXX; Boyle County Health Department, M-03179000-XXX; Bracken County Health Department, M-03179004-XXX; Breathitt County Health Department, M-03179010-XXX; Breckinridge County Health Department, M-03179017-XXX; Bullitt County Health Department, M-03179022-XXX; Christian County Health Department, M-03179028-XXX; Clark County Health Department, M-03179035-XXX; Estill County Health Department, M-03179038-XXX; Lexington Fayette County Health Department, M-03179056-XXX; Hopkins County Health Department, M-03179066-XXX; Floyd County Health Department, M-03179071-XXX; Franklin County Health Department, M-03179079-XXX; Garrard County Health Department, M-03179094-XXX; Greenup County Health Department, M-03179097-XXX; Louisville Metro Health Department, M-03179108-XXX; Jessamine County Health Department, M-03179125-XXX; Johnson County Health Department, M-03179133-XXX; Knox County Health Department, M-03179146-XXX; Cumberland Valley District Health Department, M-03179744-XXX; Laurel County Health Department, M-03179971-XXX; Lincoln County Health Department, M-03179997-XXX; Lewis County Health Department, M-03180003-XXX; Madison County Health Department, M-03180052-XXX; Magoffin County Health Department, M-03180066-XXX; Marshall County Health Department, M-03180080-XXX; Martin County Health Department, M-03180092-XXX; Monroe County Health Department, M-03180158-XXX; Mercer County Health Department, M-03180177-XXX; Montgomery County Health Department, M-03180193-XXX; Muhlenberg County Health Department, M-03180214-XXX; Oldham County Health Department, M-03180224-XXX; Pike County Health Department, M-03180232-XXX; Todd County Health Department, M-03180259-XXX; Whitley County Health Department, M-03180272-XXX; Woodford County Health Department, M-03180278-XXX; Lincoln Trail District Health Department, M-03180319-XXX; Barren River Health Department, M-03180334-XXX; Purchase District Health Department, M-03180346-XXX; North Central District Health Department, M-03180363-XXX; Lake Cumberland District Health Department, M-03180402-XXX; Northern Kentucky District Health Department, M-03180408-XXX; Little Sandy District Health Department, M-03180452-XXX; Kentucky River District Health Department, M-03180466-XXX; Cumberland Valley District Health Department, M-03180483-XXX; Green River District Health Department, M-03180490-XXX; WEDCO District Health Department, M-03180509-XXX; Gateway District Health Department, M-03180521-XXX; Three Rivers Health District, M-03180538-XXX; Pennyryle District Health Department, M-03180556-XXX; Buffalo Trace District Health Department, M-03180567-XXX; Pathways Incorporated, M-03181661-XXX; Ashland Boyd County Health Department, M-03182870-XXX; Lawrence County Health Department, M-03183428-XXX.

TRANSPORTATION CABINET:

City of Carrollton, C-02136719-XXX; Logan County Fiscal Court, C-02324574-XXX; Iowa Department of Transportation, C-03133708-XXX.

Fran Pinkston, Don Jeffers, and Jim Abbott, Finance and Administration Cabinet, Division of Engineering, discussed the feasibility of creating an exemption for the various architectural and engineering contracts submitted by the division in order to eliminate the



constant violation of the 90-Day Amendment Rule and stay in compliance with the wishes of the committee. The proposed exemption included the provision of a monthly spending report on all architectural and engineering contracts with the same information currently provided to the committee, along with a total of all dollars spent on each vendor and the corresponding projects. Representative Yonts made a motion to approve the Request for Exemption by the cabinet. Representative Stein seconded the motion. The motion passed unanimously.

FAMILIES AND CHILDREN, CABINET FOR:

Secretary Viola Miller, Nora McCormick, and Denise Hume discussed an issue related to the acquisition of real estate agents by the cabinet on behalf of wards of the Commonwealth. The cabinet maintained that such arrangements did not require creation of personal service contracts. Staff distributed an informational memorandum on the issue, which included options for the committee. Representative Yonts made a motion to request an opinion from the Office of the Attorney General. Representative Crenshaw and Senator Scorsone seconded the motion. The motion passed unanimously.

Representative Yonts made a motion that the committee adopt a policy requiring all agencies to submit a listing of all vendors in every contract labeled PD Miscellaneous Payments, effective January 1, 2004. Senator Scorsone seconded the motion. The motion passed unanimously.

With no further business before the committee, the meeting adjourned at 10:54 a.m.